

Economic Development Reform Panel Orientation

Roadmap/Overview of Presentation

- City's Form of Government
- Sunshine Laws
 - Public Records
 - Record Retention
 - Open Meetings
- Ethics Laws



Our Municipal Government

The City of Cincinnati has a unique form of government, outlined in the City's **Charter**

- The **Charter** is the City's constitution
 - It can only be amended by a vote of the people
- The City has a council-manager form of government with what we call a “stronger mayor”
 - There is a **Mayor**, a **City Council**, and a **City Manager**

Our Municipal Government

The Mayor is the City's official head and representative. The Mayor:

- Initiates legislation, including transmitting the budget to the City Council, and can veto legislation
- Refers matters to Council committees
- Makes certain appointments, including appointing the City Manager, with the advice and consent of Council

Our Municipal Government

The Council is the legislative authority and appropriating body for the City. The **Council**:

- Passes ordinances, motions, and resolutions, including overriding vetoes
- Appropriates all of the money/funds of the City
- Creates Council committees
- Approves appointments and the removal of the City Manager

Our Municipal Government

The City Manager is the chief executive and administrative officer of the City. The **Manager:**

- Hires and fires most of the employees in the City Administration
- Binds the City through contracts
- Creates the initial budget for consideration
- Acts as the chief conservator of the peace
- Makes certain appointments, subject to the advice and consent of Council

City's Boards and Commissions

The City has a number of boards and commissions comprised of citizen-volunteers. Their members can be appointed by either the City Manager or the Mayor.

- Some were created by the Charter, some are part of the Municipal Code, some are part of the City Administrative Code, and some were created by standalone ordinances for a particular, often temporary, purpose
- Each Board and Commission has different roles and responsibilities, but all are part of the municipal corporation

Special laws apply to public bodies

Public entities like the City are subject to a variety of laws regarding public finance, ethics, and transparency

If these laws are violated or actions of a Board or Commission create legal liability, in general the municipal corporation pays the damages

- For some, individual public officials are liable

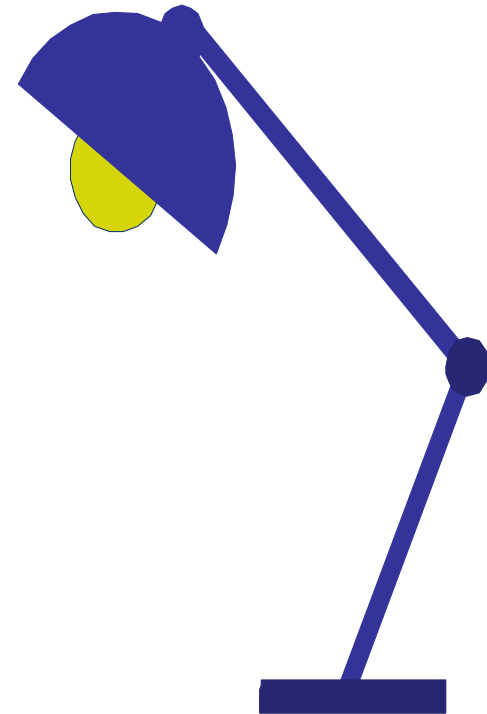


OHIO'S SUNSHINE LAWS

SHINING A LIGHT ON GOVERNMENT ACTIVITY

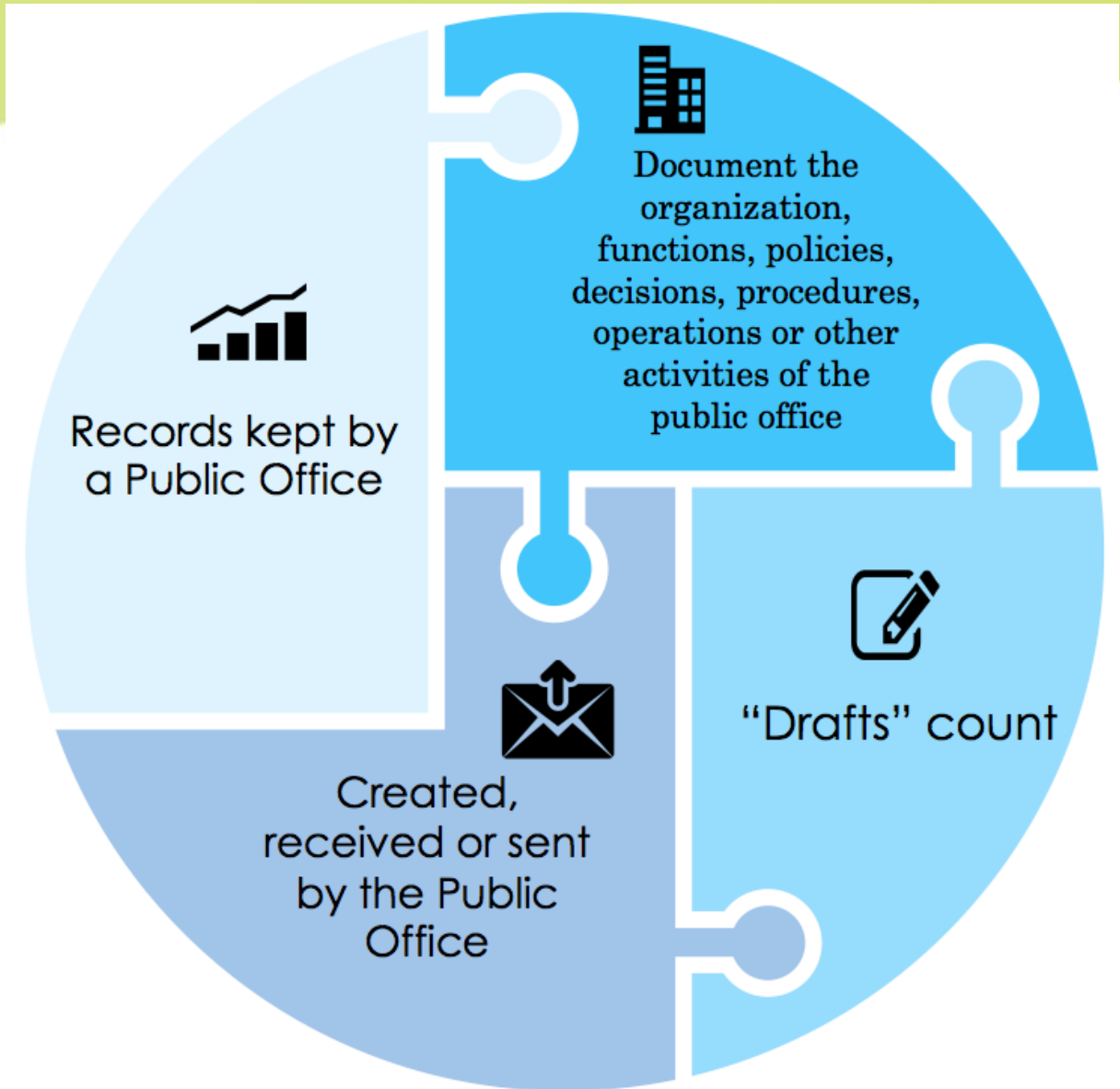
“...Direct knowledge of how [our] government is operating enhances the public’s ability to affirm or protest government’s efforts. When government selectively chooses what information it allows the public to see, it can become a powerful tool for deception...”

-Detroit Free Press v. Ashcroft, 303 F.3d 681 (6th Cir. 2002)



PUBLIC RECORDS

PUBLIC RECORDS



DOES THE RECORD DOCUMENT THE CITY'S BUSINESS?

CONTENT matters; Device does not.



Emails

Relating to the City's business, organization, functions, etc.



Board Emails

Documents created or received as a Board Member



Texts

Documents the City's business whether on City-owned or personal cell

EXEMPTIONS/REDACTIONS

THIS IS AN IMPORTANT RECORD SAFEGUARD IT.

1. LAST NAME, FIRST NAME, MIDDLE NAME HANDY [REDACTED]			2. SEX M	3. SOCIAL SECURITY NUMBER [REDACTED]	4. DATE OF BIRTH YEAR MONTH DAY 74 03 27
5. DEPARTMENT, COMPONENT AND BRANCH OR CLASS ARMY-6A			6A. GRADE, RATE OR RANK PV2	6B. GRADE E-2	7. DATE OF ENTRY INTO ACTIVE SERVICE YEAR MONTH DAY 74 03 27
8. SELECTIVE SERVICE NUMBER [REDACTED]	9. 14. OFFICE SERVICE LEGAL BOARD NUMBER, CITY, STATE AND ZIP CODE [REDACTED]	10. HOME OF RECORD AT TIME OF ENTRY INTO ACTIVE SERVICE [REDACTED]			
11. TYPE OF SEPARATION Relief from Active Duty			12. STATION OR INSTALLATION AT WHICH EFFECTED Fort Riley, Kansas		
13. AUTHORITY AND REASON Para 2-18 AR 635-200 SFD 201			14. EFFECTIVE DATE YEAR MONTH DAY 74 [REDACTED] [REDACTED]		
15. CHARACTER OF SERVICE HONORABLE			16. TYPE OF CERTIFICATE ISSUED NONE		
17. BEST DUTY ASSIGNMENT AND MAJOR COMMAND HQB 1st Cav Div Army Fort Riley, Kansas - FORSCON			18. COMMAND TO WHICH TRANSFERRED USAR CON GP (H&I) BCPAC SE LOUIS, MISSOURI 03132		
19. TERMINAL DATE OF RESERVE 77 [REDACTED] [REDACTED]			20. DATE ENTERED ACTIVE SERVICE YEAR MONTH DAY 71 [REDACTED] [REDACTED]		
21. PRIMARY SPECIALTY NUMBER AND TITLE 76A10 27 Aug 71 Supply Clerk			22. RELATED CIVILIAN OCCUPATION AND I.C.V. NUMBER 223,387 Stock Clerk		
23. SECONDARY SPECIALTY NUMBER AND TITLE NONE			24. RELATED CIVILIAN OCCUPATION AND I.C.V. NUMBER NONE		
25. INDOCHINA OR KOREA SERVICE FROM AUGUST 5, 1964 <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO 17 Sep 71 - 27 Jun 72			26. SECONDARY/HIGH SCHOOL YRS (17-22) GRADE COLLEGE 0 YRS		
27. TIME LOST (Primary this yr) IS DAYS ACCRUED 0 10			28. PERSONNEL SECURITY INVESTIGATION TYPE DATE COMPLETED		
29. DECORATIONS, MEDALS, BADGES, COMMENDATIONS, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED NATIONAL DEFENSE SERVICE MEDAL VIETNAM SERVICE MEDAL W/1 EZ STAR REPUBLIC OF VIETNAM CAMPAIGN MEDAL			30. MARKSMAN (M-16A1 RIFLE) MARKSMAN (M-16A1 RIFLE)		
31. NEEDLES Last Overseas Service - Vietnam Training Completed - General Supply Course; Cooks Course					
32. MAILING ADDRESS AFTER SEPARATION (Street, Apt, City, County, State and ZIP Code) Same as item #8c			33. SIGNATURE OF PERSON BEING SEPARATED [REDACTED]		
34. TYPE OF TITLE OF AUTHORIZING OFFICER VERNON L FRENCH, MAJ AUS (RET)			35. SIGNATURE OF AUTHORIZING OFFICER Vernon L French		

DD FORM 1 NOV 72 214 PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE. THIS IS AN IMPORTANT RECORD SAFEGUARD IT.

Information that is prohibited from being disclosed by Ohio or federal law

Personal Identifying Information (SSN, home address)

Health Information

RECORD RETENTION

RECORDS RETENTION SCHEDULES



Each
Department
has approved
schedule



Commissioners
& Board
Members must
follow
Department's
Schedule



Contact your Records
Custodian for Retention
schedules

PENALTIES

COURT COSTS



**ATTORNEY
FEES**



**STATUTORY
DAMAGES**



OPEN MEETINGS

Ohio Open Meetings Act



Requires “Public Bodies” to conduct all official business, take action, and deliberate in meetings that are open to the public

What is a “Meeting”?



A pre-arranged gathering



Of a majority of the members of the public body



To discuss or conduct public business

When **ALL 3** requirements are met, you are having a “Meeting” and *it must be open to the public.*

What is an “OPEN” Meeting?



Must be in location accessible to the Public



Provide appropriate notice



Minutes must be promptly prepared, filed and kept



Special rules are in effect during COVID

**The Public
must be
allowed to
attend**

Special & Emergency Meetings



Notice must state specific issues to be discussed



Only those issues disclosed in the notice may be discussed



If rescheduled regular meeting, notice can broadly state purpose, e.g., “general purposes”

Agenda
Limited at
Special and
Emergency
Meetings

Executive Session



May meet privately for
specific, limited
circumstances



Must follow specific
procedures



No decisions may be made



No votes may be taken

Executive Sessions
limited and bound
by legal
procedures

“Round Robin” Meetings

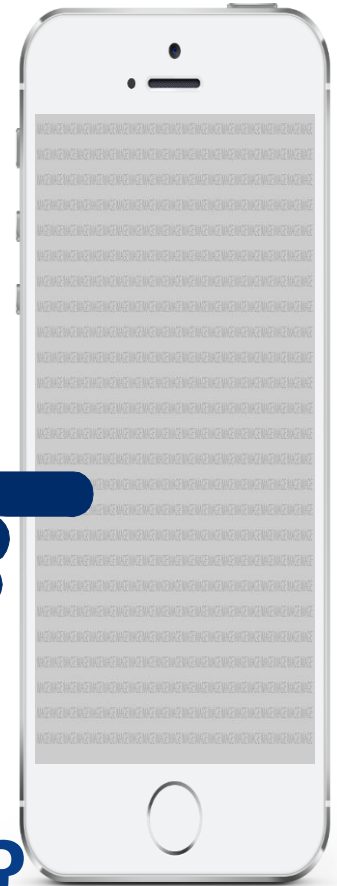
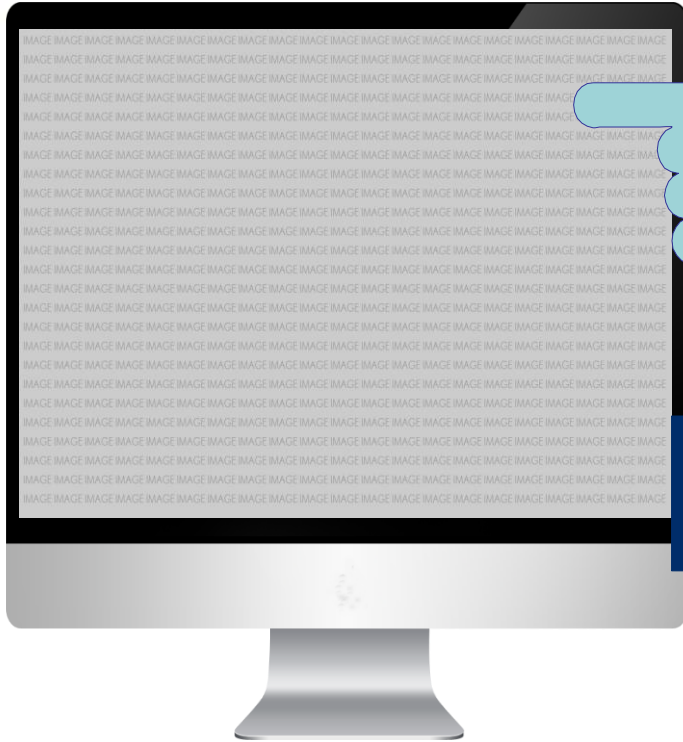
A common Open Meeting Pitfall





PUBLIC MEETING?

EMAILS & TEXTS: COMMON PITFALL



Is it a Quorum of the Public Body?

PENALTIES

**\$500 CIVIL
FORFEITURE**



**COURT COSTS &
ATTORNEY FEES**



**REPEATED
VIOLATIONS =
\$500/VIOLATION**



LAW DEPARTMENT'S ROLE

REVIEW

ALWAYS AVAILABLE TO REVIEW
DIFFICULT OR NON-ROUTINE
REQUESTS

EMAIL SEARCHES

LAW COMPLETES ALL EMAIL
SEARCHES AND REVIEWS FOR
PRIVILEGE



QUESTIONS

ANY AND ALL LEGAL
QUESTIONS - DOES AN
EXEMPTION APPLY? IS IT
PRIVILEGED?

TEXT REVIEW

DEVELOPING PROCEDURE
ABOUT USE AND RETRIEVAL
OF TEXTS

Q & A



Ethics Laws

Source of Law

- Ohio has state ethics laws which apply to the City
- Violations of the ethics laws are criminal violations
- There is an Ethics Commission that provides guidance and conducts investigations
- The ethics commission staff can provide opinions that advise you about ethical questions
- If you follow that advice, you cannot be found liable for a violation
- Their website has a lot of helpful information:
ethics.ohio.gov

Q & A

